

**DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

WHPS Procedure Summary 3.01: Confidentiality and Records Management

WHPS clients are protected by all state and federal confidentiality laws and regulations. Access to records is limited to WHPS staff with the exception of reporting non-compliance and practice concerns to the Nursing Care Quality Assurance Commission (NCQAC). Records access limitations extend to the client and client representatives. All requests for monitoring and treatment records must go through the Public Records Disclosure process.

SUMMARY

1. Monitoring Records

- A. WHPS maintains secured monitoring records using a password protected electronic records system.

2. Communication with Treatment Providers, Employers, and Others

- A. WHPS will not communicate with external third parties without appropriate authorization to release information. The signed Program Participation Contract provides WHPS with authorization to communicate regarding the nurse with current and prospective employers, mental health and chemical dependency treatment providers, probation departments, drug court agencies, health providers, disciplinary bodies, peer support group facilitator, drug test collection sites and third party administration services (e.g., drug screening contractor), other disciplinary boards, and out of state alternative programs.
- B. In order to conduct appropriate monitoring, nurses must engage by communicating directly with WHPS. Therefore, nurses' legal representatives will be directed to the supervisor of the NCQAC Legal Unit.
- C. If a nurse declines to sign or revokes necessary authorization to release information, it may be determined that the nurse cannot be effectively monitored. The nurse will be discharged and referred to the NCQAC.

4. Public Disclosure

- A. Treatment and monitoring records are protected from public disclosure in accordance with 18.130.175 RCW. This includes nurses requesting copies or to view their own monitoring and treatment records.

- B. All record requests will be reviewed by the Director and forwarded to the Public Disclosure Records Unit.

5. Admission Types

- A. Voluntary Self-referral: Nurses are not reported to the NCQAC if they meet program requirements and do not present a public safety risk.
- B. NCQAC Referrals (In Lieu of Discipline, Agreement to Practice Under Conditions, STID, and Agreed Order): WHPS will release documents and provide reports to the Nursing Commission Unit, Legal Services Supervisor, Attorney General's Office, and the NCQAC as necessary to fulfill legal orders and administrative procedures.